

**441—108.2(238) Licensing procedure.**

**108.2(1) *Right to apply.*** Any person or agency has the right to make application for a child-placing license. When applying for a child-placing license, the applicant shall indicate the services for which licensure is being requested.

**108.2(2) *Application.*** An agency or person applying for a license shall complete Form 470-0723, Application for License or Certificate of Approval. The application shall be completed and signed by the administrator or the appropriate officer and submitted to the department.

*a.* The applicant shall report withdrawal of an application to the department within 30 days of the withdrawal decision.

*b.* Each application shall be evaluated by the department to ensure that all requirements are met.

*c.* The applicant shall provide requested reports and information relevant to the licensing determination to the department.

**108.2(3) *Applications for renewal.*** Applications for renewal shall be made to the department at least 30 but no more than 90 days before expiration of the license.

**108.2(4) *Notification.*** Agencies shall be notified of approval or denial within 90 days of application or reapplication.

**108.2(5) *Certificate of license.*** The department shall issue or renew Form 470-3623, Certificate of License, every three years, without cost, to any child-placing agency which meets the minimum requirements applicable to child-placing agencies as defined by Iowa Code chapter 238 and this chapter. The license shall be posted in a conspicuous place on the licensed premises.

**108.2(6) *Provisional license.*** A provisional license may be issued to an agency which does not meet all licensing requirements when the failure to meet all licensing requirements does not pose a danger to the health, safety, or well-being of the children being served. It is issued until the agency meets all requirements, up to a maximum time period of one year. A provisional license is issued when the applicant has signed a written statement which includes the following:

*a.* The deficiencies necessitating the provisional license, including the specific requirements which are not met.

*b.* A plan for correcting the deficiencies.

*c.* The date by which the requirements will be met.

**108.2(7) *Suspension of a license.*** The suspension of a child-placing license prohibits the agency from engaging in any child-placing activities during the period of the suspension. The department shall suspend a license when the agency's failure to meet the requirements poses a danger to the health, safety, or well-being of the children being served. The suspension of a license shall not extend beyond 12 months, and the existence of the condition requiring suspension shall be corrected within a year and documented in the agency's record.

The agency shall submit a written statement for approval by the department. The statement shall include the following:

*a.* The deficiencies necessitating the suspended license, including the specific requirements which are not met.

*b.* A plan for correcting the deficiencies.

*c.* The date by which the requirements will be met.

**108.2(8) *Completed corrective action.*** When the corrective action plan is completed on or before the date specified on the provisional license or notice of suspension, a full license shall be issued for the remainder of the licensing period.

**108.2(9) *Denial or revocation of a license.*** The department shall deny an application or reapplication for a license or revoke a license when the applicant fails to meet the licensing requirements or when any of the following conditions exist:

*a.* The agency is operating without due regard to the health, safety, and well-being of the children being served.

*b.* A provisional license is not approved.

*c.* The recipient of a provisional license fails to complete the corrective action plan within the time allowed.

*d.* An agency with a suspended license fails to complete the corrective action plan on time and a provisional license is not appropriate.

*e.* The agency misuses public funds.

*f.* The agency refuses to cooperate with child protective investigations involving children placed by the agency.

*g.* The agency continuously and significantly violates licensing requirements.

**108.2(10)** *Method and content of notice.* The notice of denial, revocation, or suspension shall be sent by restricted certified mail and shall include the following:

*a.* A specific description of the condition requiring the suspension, denial or revocation.

*b.* The specific laws or rules violated.

*c.* The effective date of denial, revocation or suspension.

**108.2(11)** *Right to appeal.* Any agency which disagrees with the department's licensing decision may appeal to the department. The appeal shall be filed within 30 days of receipt of the licensing decision.